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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,770	03/22/2005	Yuval Ovadia	29577	4738

7590 08/01/2006
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EXAMINER

PHAM, HOA Q

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,770

Applicant(s)

OVADIA, YUVAL

Examiner

Hoa Q. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/29/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings filed on 3/22/05 have been approved.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitation "said image device" in line 6. There is insufficient antecedent basis for this limitation in the claim.

b. Claim 5 is dependent on itself.

c. Claim 9 recites the limitation "said imaging device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

d. Claims 2-4, 6-8, 10-22 are dependent; therefore, inherit the deficiencies of the claims on which they depend.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8-18, 22-25, 27, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopper (GB-2258321A) (of record).

Regarding claims 1-2, 23-24, 27 and 31; Hopper discloses an inspection systems for vehicles using line scan camera and reflector comprises an imaging device (1) for imaging a limited access space (9), a mounting means (8) for mounting the image device to be scanable about the limited access space and a scanning control unit (not shown) associated with the image device for controlling the imaging device to scan about the limited access space, a display output is inherent in the inspection system (figures 1, 2, 4, and 5; page 3, second paragraph; page 7, second paragraph, page 10, second paragraph, and page 8, third paragraph).

Regarding claims 3 and 25, Hooper teaches the use of a linear scan CCD camera (1).

Regarding claims 8 and 29, see housing (3) in figure 1.

Regarding claims 9-11, see page 6 for heavy-duty glass or plastic window (5).

Regarding claims 12-15, 32 and 34, see page 7, second paragraph or figures 4-5 for wheel trolley for mounting the inspection device.

Regarding claims 22 and 30, see "abstract" for the wheel mounted to be movable beneath a vehicle.

Regarding claims 16 and 33, see light source (6) in figures 1-2.

Regarding claims 17-18, display output is inherent in the computer system (see page 10, second paragraph for controlling computer).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19, 20, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper.

Regarding claims 19, it is well known in the inspection art to compare a measured signal to a reference signal to determine the presence or absence of an object; thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Hopper a comparator because this is a known method for determining the presence or absence of an object.

Regarding claims 20-21 and 28, Hopper teaches the use of a rotating mirror for scanning light beam onto the surface of a test object (page 8, third paragraph) and does not explicitly teach that the mirror is rotatable about an axis perpendicular to the floor track; however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the inspection system so that the image device is rotatable about an axis perpendicular to the floor track for the purpose of inspecting an object.

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8. Claims 4-7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopper as applied to claims 1 and 23 above, and further in view of Carangelo et al (5,841,546) and Zigler (5,379,103).

Regarding claim 4, 6-7 and 26 and assume claim 5 depends on claim 4; Hopper does not explicitly teach that device is a spectroscopic analyzer, which could be used to detect the traces of the presence of predefined chemical substance. Carangelo et al teaches the use of a non-contact spectroscopy system includes scanning head for inspecting the surface of an airplane. It is also well known in the art that the spectroscopic analyzer can be used to detect the traces elements in chemical substances as taught by Zigler. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the optical scanning system of Hopper by a scanning head of Carangelo et al for the purpose of detecting traces of the presence of chemical substances taught by Zigler.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-3, 8-25 and 27-34 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 10/252,040. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claims 1-3, 8-25 and 27-34 are broader than what was claimed in the copending application and all of the limitations of claims 1-3, 8-25, and 27-34 can be read from claims 1-25 of copending application. For example:

Claims 1-3 are corresponding to claim 1 of copending application;

Claims 8-21 are corresponding to claims 2-15 of the copending application, respectively;

Claim 22 is corresponding claim 14 of copending application;

Claims 23-25 are corresponding to claim 16 of copending application;

Claims 27-34 are corresponding to claims 17-23 of copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 4-7 and 26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 10/252,040 in view of Carangelo et al and Zigler. Claims 1-

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25 of copending application do not explicitly teach that device is a spectroscopic analyzer, which could be used to detect the traces of the presence of predefined chemical substance. Carangelo et al teaches the use of a non-contact spectroscopy system includes scanning head for inspecting the surface of an airplane. It is also well known in the art that the spectroscopic analyzer can be used to detect the traces elements in chemical substances as taught by Zigler. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the optical scanning system of copending application by a scanning head of Carangelo et al for the purpose of detecting traces of the presence of chemical substances taught by Zigler. A substitution one for another is generally recognized as being within the level of ordinary skill in the art.

This is a provisional obviousness-type double patenting rejection.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumar et al (2005/0200843 A1) discloses a fiber optic laser induced breakdown spectroscopy device.

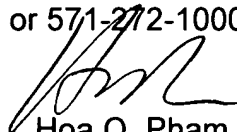
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 7:30AM to 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hoa Q. Pham
Primary Examiner
Art Unit 2877

HP
July 20, 2006